

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 922 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHENDRA JIVANLAL SHAH

Versus

PATTHAR MASJID PUBLIC TRUST NEW TRUSTEE RABANIBHAI P KASAI

Appearance:

MR SK JHAVERI for Petitioner

MR JA ADESHRA for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 27/12/96

ORAL JUDGEMENT

1. In this matter consistent with the writing produced in this Court by Mr. S.K. Jhaveri, learned counsel appearing for the petitioner which is a statement of Mahendrakumar Jivanlal Shah who is the petitioner in this Civil Revision Application, original judgment debtor, it was declared to the Court that the said petitioner was ready and willing to hand over vacant

possession of the suit premises to the landlord by 31st December, 1996. Pursuant to such letter of Mahendrakumar Jivanlal Shah produced in this court, today Mr. S.K. Jhaveri, learned Counsel appearing for the petitioner as well as son of Mahendrakumar Jivanlal Shah, namely, Rajiv Mahendrakumar has remained present and consistent with the said statement entrusted the court the key of the suit premises thereby indicating that the possession of the suit premises is handed over to the respondent. Amanullakhan Subamiya Malek, the respondent No. 3/4, Chairman of Pattar Masjid Public Trust is present in the court on behalf of the respondents. He states that he has received in court today the key of the suit premises and since the petitioner has declared before the court that there is no one else in the suit premises, Amanullakhan Subamiya Malek has stated to the Court that the possession of the suit premises is handed over to him and that the proceedings of execution started in the lower court which has reached upto this Court by this Civil Revision Application no longer survives. The decree which is passed in favour of the respondents stands satisfied and in that view of the matter, no relief is required to be granted in this Civil Revision Application.

2. It is further directed that the amount of arrears of rent and mesne profit which is deposited in the executing court so far be paid over by the executing court to the respondent, original plaintiff at the earliest within four weeks from today.

3. In view of the aforesaid, this Civil Revision Application stands disposed of subject to this order. Rule is discharged. There shall be no order as to costs.
